

86th Legislative Session – 2011

Committee: House Judiciary

Wednesday, March 02, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Abdallah
P Boomgarden
P Feinstein
P Gibson
P Hansen (Jon)
P Killer
P Kopp
P Nelson (Stace)
P Russell
P Tornow
P Turbiville
P Gosch, Vice-Chair
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Hunt.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 28, 2011

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by voice vote.

SB 31: revise certain provisions regarding the expungement of arrest records.

Presented by: Marty Jackley, Attorney General
Proponents: Chuck Schroyer, SD States Attorneys Association

MOTION: AMEND SB 31

31ra

On page 2, after line 9 of the printed bill, insert:

" Section 4. That § 23-6-8.1 be amended to read as follows:

23-6-8.1. The director of the Bureau of Criminal Statistics may authorize the destruction of information and records of:

- (1) Persons who are dead;
- (2) Persons seventy-five years of age or older unless a violation has occurred within the last ten years;
- (3) Incidents that are no longer considered crimes under the laws of the State of South Dakota;
- (4) Misdemeanor offenses whose final date of disposition occurred at least ~~ten~~ five years prior to authorized destruction date.

However, the provisions of subdivision (4) of this Act do not apply to any misdemeanor driving under the influence offenses unless the final date of disposition occurred at least ten years prior to the authorized destruction date."

Moved by: Turbiville
Second by: Tornow
Action: Prevailed by voice vote.

MOTION: AMEND SB 31

31rd

On page 1, line 12, of the printed bill, delete everything before "." And insert "did not result in a judgment of conviction".

On page 2, line 3, delete everything after "." .

On page 2, line 4, delete everything before "The" .

On page 2, delete lines 6 to 9, inclusive.

Moved by: Feinstein
Second by: Gibson

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS SB 31 AS AMENDED

Moved by: Gosch

Second by: Turbiville

Action: Prevailed by roll call vote. (7-6-0-0)

Voting Yes: Abdallah, Boomgarden, Hansen (Jon), Kopp, Turbiville, Gosch, Hunt

Voting No: Feinstein, Gibson, Killer, Nelson (Stace), Russell, Tornow

SB 141: grant limited immunity from arrest and prosecution for certain alcohol consumption related offenses to persons who assist certain persons in need of emergency assistance or who are themselves in need of emergency assistance.

MOTION: DEFER SB 141 TO THE 41ST LEGISLATIVE DAY

Moved by: Abdallah

Second by: Hansen (Jon)

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS SB 141 AS AMENDED

Moved by: Feinstein

Second by: Gibson

Action: Failed by roll call vote. (5-8-0-0)

Voting Yes: Boomgarden, Feinstein, Gibson, Killer, Turbiville

Voting No: Abdallah, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Gosch, Hunt

MOTION: DEFER SB 141 TO THE 41ST LEGISLATIVE DAY

Moved by: Abdallah

Second by: Hansen (Jon)

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION TO TABLE SB 141

Moved by: Nelson (Stace)

Second by: Tornow
Action: Prevailed by roll call vote. (8-5-0-0)

Voting Yes: Abdallah, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Gosch, Hunt

Voting No: Boomgarden, Feinstein, Gibson, Killer, Turbiville

SB 164: revise certain provisions regarding the regulation of traffic on municipal streets.

Presented by: Yvonne Taylor, SD Municipal League
Proponents: Jo Vitek, SD Police Chiefs Association
Senator Craig Tieszen
Opponents: Jim Hutmacher, SD Coalition of Schools and Mid Sized Schools
Representative Betty Olson
Dick Tieszen, SD Associated School Boards, Rapid City and Sioux Falls Schools
(handouts 1-3)
John Pedersen, School Administrator of South Dakota
Sandra Waltman, SD Education Association

MOTION: DO PASS SB 164

Moved by: Turbiville
Second by: Tornow
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 164 TO THE 41ST LEGISLATIVE DAY

Moved by: Kopp
Second by: Feinstein
Action: Prevailed by roll call vote. (8-5-0-0)

Voting Yes: Boomgarden, Feinstein, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Hunt

Voting No: Abdallah, Gibson, Tornow, Turbiville, Gosch

SB 176: provide for the crime of human trafficking, to establish the elements and degrees of the crime, and to provide penalties for the violation thereof.

Presented by: Senator Joni Cutler (handouts 4-7)
Proponents: Susan Omanson, self, Sioux Falls (via telephone)
Kimberly Martinez, Alpha Center

Kristen Aschenbrenner, SD Advocacy Network for Women
Leslee Unruh, self, Sioux Falls
Travis Benson, Catholic Diocese Of Sioux Falls
Chris Hupke, SD Family Policy Council

MOTION: DO PASS SB 176

Moved by: Gibson
Second by: Killer
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Abdallah, Feinstein, Gibson, Hansen (Jon), Killer, Nelson (Stace), Russell, Tornow, Turbiville, Hunt

Voting No: Boomgarden, Kopp, Gosch

SB 172: reduce the interest rate applied for certain judgements, liens, and damages.

THE CHAIR DEFERRED SB 172 UNTIL MONDAY, MARCH 7, 2011

SB 178: revise certain provisions relating to the rights and duties of joint legal custodians.

THE CHAIR DEFERRED SB 178 UNTIL MONDAY, MARCH 7, 2011

MOTION: ADJOURN

Moved by: Gibson
Second by: Killer
Action: Prevailed by voice vote.

Cindy Tryon
Committee Secretary

Roger W. Hunt, Chair